

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

---

KEITH YAEGER, MICHAEL SCHULER,	:	Consolidated Action Nos.
JOSEPH MONTGOMERY, BRYAN BAIR,	:	1:14-cv-4490-JBS-KMW and
THOMAS VANLAARHOVEN, LAURA HEGLE,	:	1:14-cv-6317-JBS-KMW
KIM MARIE PAPA, ROBERT TEDESCO,	:	
and NATALIE TUZOVSKAYA,	:	
individually and on behalf of all	:	
others similarly situated,	:	<b>CLASS ACTION</b>
	:	
Plaintiffs,	:	
	:	
v.	:	<b>DOCUMENT ELECTRONICALLY</b>
	:	<b>FILED</b>
SUBARU OF AMERICA, INC., a	:	
New Jersey Corporation, and	:	
FUJI HEAVY INDUSTRIES, LTD.,	:	
a Japanese Corporation,	:	
	:	
Defendants.	:	<b>ORAL ARGUMENT REQUESTED</b>
	:	

---

---

NOTICE OF MOTION TO DISMISS

---

**PLEASE TAKE NOTICE** that on February 2, 2015, at 9:00 a.m., or as soon thereafter as counsel may be heard, defendant Subaru of America, Inc. ("Subaru") shall move before the United States District Court for the District of New Jersey, the Honorable Jerome B. Simandle presiding, at the Mitchell H. Cohen Building & U.S. Courthouse, 4th & Cooper Streets, Camden, NJ 08101, for an order dismissing plaintiffs' master consolidated complaint pursuant to Federal Rule of Civil Procedure 12(b)(6).

**PLEASE TAKE FURTHER NOTICE** that, in support thereof, Subaru will rely on its brief filed with this motion.

**PLEASE TAKE FURTHER NOTICE** that objections, if any, to the relief sought in said motion must be timely filed with the Court, in accordance with the Stipulated Order of Consolidation ¶ 8 (Dkt. No. 30), and served on counsel for Subaru.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to L. Civ. R. 78.1(b), oral argument is requested.

**PLEASE TAKE FURTHER NOTICE** that a proposed form of order also is attached.

Respectfully submitted,

*s/ Michael R. Carroll*

---

Neal D. Walters  
Michael R. Carroll  
Michele C. Ventura  
Casey G. Watkins  
**BALLARD SPAHR LLP**  
**A PENNSYLVANIA LIMITED LIABILITY PARTNERSHIP**  
210 Lake Drive East - Suite 200  
Cherry Hill, New Jersey 08002  
Tel. 856-761-3400  
Fax 856-761-1020

*Counsel for defendant  
Subaru of America, Inc.*

**DATED:** December 5, 2014